

# Board of Adjustment



## *Minutes*

City Council Chambers, Lower Level  
August 9, 2011

**Board Members Present:**

Garrett McCray, Chair  
Nicholas Labadie, Vice-Chair  
Diane von Borstel  
Greg Hitchens  
Cameron Jones  
Tyler Stradling

**Board Members Absent:**

Danette Harris - excused

**Others Present:**

Others

**Staff Present:**

Gordon Sheffield  
Mia Lozano-Helland  
Lesley Davis  
Wahid Alam  
Tom Ellsworth  
Jeff McVay

The study session began at 4:37 p.m. The Public Hearing meeting began at 5:43 p.m. Before adjournment at 6:00 p.m., the following items were considered and recorded.

**Study Session began at 4:37 p.m.**

- A. Zoning Code Update: Mr. Sheffield stated that the updated Zoning Code was adopted by Mesa City Council on July 7, 2011 and will become effective on September 6, 2011. He further stated that there is a three (3) year transition period for cases that have already been given entitlement except for cases that have a time limit as a part of the approval. Discussion followed regarding the transition period.
- B. Zoning Administrator's Report: Mr. Sheffield pointed out some changes in the newly adopted Zoning Code related to:
  - Change to the mailing radius for commercial, industrial, multi-family case from 300' to 500';
  - Residential mailing radius will remain at 150';
  - Site posters have increased in size from 11"x14" to 16"x20"
  - New case types for alternative plans, such as parking alternatives, landscape alternatives, and temporary use permits.
- C. Election of Officers:

A nomination to retain Garrett McCray as Chair was made by Board member von Borstel and seconded by Board member Jones. Vote: 6-0 (Harris absent)

A nomination to retain Nicholas Labadie as Vice-Chair was made by Cameron Jones and seconded by Board Chair McCray. Vote: 6-0 (Harris absent)

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D. The items scheduled for the Board's Public Hearing were discussed.

**Public Hearing 5:43 p.m.**

- A. Consider Minutes from the June 14, 2011 Meeting A motion was made to approve the minutes with a minor edit by Board member Labadie and seconded by Boardmember von Borstel. Vote: Passed 6-0
- B. Consent Agenda a motion to approve the consent agenda as read was made by Board member Labadie and seconded by Board member Jones. Vote: Passed 6-0

**Board of Adjustment Meeting  
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**Case No.:** BA11-009

**Location:** 25 North Extension Road

**Subject:** Requesting a Special Use Permit (SUP) to allow a Commercial Communication Tower in the C-3 zoning district. (PLN2010-00405) **Continued from the June 12th, 2011 meeting**

**Decision:** Tabled

**Summary:** This case was on the consent agenda and not discussed on an individual basis.

**Motion:** It was moved by Board member Labadie, seconded by Board member Jones to table case BA11-009.

**Vote:** Passed 6-0

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**Board of Adjustment Meeting  
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**Case No.:** BA11-034

**Location:** 1301 South Crismon Road

**Subject:** Requesting a modification of a Special Use Permit for a Comprehensive Sign Plan in the C-1 BIZ zoning district. (PLN2011-00155)

**Decision:** Approved with conditions

**Summary:** This case was on the consent agenda and not discussed on an individual basis.

**Motion:** It was moved by Board member Labadie, seconded by Board member Jones to approve case BA11-034 with the following conditions:

1. *Compliance with the site plan, narrative and sign elevations submitted.*
2. *The transitions between messages and the light intensity level of the electronic message display shall comply with the requirements of Section 11-19-8(D) 17.*
3. *Compliance with the Encroachment Agreement approved by Beth Huning, Mesa City Engineer on May 31, 2011.*
4. *Only the detached signs and attached way-finding signs are approved. Modifications to the Mountain Vista Medical signs shall be reviewed and considered at a later date as a separate application.*
5. *Compliance with all requirements of the Development and Sustainability Department in the issuance of building permits.*

**Vote:** Passed 6-0

**Findings:**

- 1.1 The Zoning Code allowed an aggregate total of 24 feet in height and 240 square feet in sign area for detached signs along Crismon Road, an aggregate total of 125 feet in height and 1,252.5 square feet in sign area for detached signs along Hampton Avenue, and an aggregate total of 39' 6" feet in height and 395 square feet in sign area for detached signs along Southern Avenue. No individual sign can exceed 12 feet in height or 80 square feet in sign area.
- 1.2 The Comprehensive Sign Plan authorizes a total of 11 feet in height and 93 square feet in sign area for one sign along Crismon Road, an aggregate total of 44' in height and 372 square feet in sign area between four signs along Hampton Avenue, and an aggregate total of 16'8" in height and 122 square feet in sign area between two signs along Southern Avenue. All detached signs have a coordinated design theme. The aggregate sign heights and sign areas that are significantly less than allowed by current Code balance the minor increase in sign area for the three primary entrance monument signs.
- 1.3 Campus way-finding is accomplished through 11 monument signs, each are 5'8" in height and 29 square feet in area. Way-finding monument signs are located interior to the campus and utilize the same design theme as the detached monument sign adjacent to rights-of-way. Although the area and height of the signs has doubled, the number of the signs has been cut in half.

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- 1.4** The Sign Ordinance requires electronic message displays to remain static for a minimum of one hour unless a Special Use Permit (SUP) is granted. Such SUP are granted if the sign is compatible with and not detrimental to surrounding properties through the consideration of the following factors: 1) the speed and volume of the vehicular traffic visually exposed to the sign, 2) the presence of other signs or distracting influences in proximity to the sign location, and 3) the extent to which the design of the sign is compatible with other signs located on the premises. Crismon Road has a speed limit of 45 miles per hour.
- 1.5** A 10 minute message display is consistent with past Board of Adjustment decisions, which have allowed message changes in some instances to be as frequent as every 15 seconds. The basis for these decisions was the relative speed limit of the road and the idea of having one message visible for approximately a quarter mile as a vehicle approaches the sign.

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**Board of Adjustment Meeting  
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**Case No.:** BA11-035

**Location:** 7900 East Main Street

**Subject:** Requesting a Special Use Permit for a Comprehensive Sign Plan in the AG zoning district. (PLN2011-00153)

**Decision:** Approved with conditions

**Summary:** This case was on the consent agenda and not discussed on an individual basis.

**Motion:** It was moved by Board member Labadie, seconded by Board member Jones to approve case BA11-035 with the following conditions:

1. *Compliance with the site plan submitted, except as modified by the conditions below.*
2. *Compliance with all conditions of Z00-056 and ZA02-13, except as modified by this approval.*
3. *Placement of the signs must be in compliance with all city of Mesa standards.*
4. *The LED message shall not change quicker than every 15 seconds.*
5. *Removal of the existing entry wall signs.*
6. *Staff approval is required to finalize the design of the signs prior to submitting for Building Permit.*
7. *Compliance with all requirements of the Development and Sustainability Department with regard to the issuance of building permits.*

**Vote:** Passed 6-0

**Findings:**

- 1.1** The cemetery, zoned Agriculture (AG), required a Comprehensive Sign Plan in order to install signs beyond the current code allowance of one non-illuminated sign per lot or parcel not exceeding six square feet in area or six feet in height.
- 1.2** In order to ensure compatibility between existing and new signs, the applicant is required to work with staff to finalize the design of the signs prior to submitting for Building Permit.
- 1.3** The monument sign at the center of the main entrance will be located out of the existing rights-of-way and sited so that the sign does not affect visibility at the intersection.
- 1.4** The Comprehensive Sign Plan in conjunction with the conditions of approval ensures that signs will be compatible, with and not detrimental to, surrounding properties.

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**Board of Adjustment Meeting  
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**Case No.:** BA11-036

**Location:** 112 West Iron Avenue

**Subject:** Requesting a Special Use Permit for a Comprehensive Sign Plan in the M-1 PAD zoning district. (PLN2011-00156)

**Decision:** Approved with conditions

**Summary:** This case was on the consent agenda and not discussed on an individual basis.

**Motion:** It was moved by Board member Labadie, seconded by Board member Jones to approve case BA11-036 with the following conditions:

1. *Compliance with the site plan submitted.*
2. *Compliance with all requirements of the Development and Sustainability Department with regard to the issuance of building permits.*

**Vote:** Passed 6-0

**Findings:**

- 1.1 The manufacturing and of large scale mining equipment on the site requires large warehousing and manufacturing buildings on the site. The large scale of the buildings on which the signs are placed required larger signs to maintain an appropriate scale and proportion for the purpose of aesthetics and visibility of the signs.
- 1.2 The signs have existed on the building in roughly the same locations and size for the past several years previous to the annexation of the parcel. Upon annexation the signs were considered legal non-conforming. Due to the redevelopment of the site these signs required the approval of a Special Use Permit for a Comprehensive Sign Plan in order to be replaced on the site.
- 1.3 The approval of the Comprehensive Sign Plan is not detrimental to the surrounding development. The site is surrounded by existing industrial development of similar size and character.

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**Board of Adjustment Meeting  
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**Case No.:** BA11-037

**Location:** 114 South Extension Road

**Subject:** Requesting a Substantial Conformance Improvement Permit to allow the expansion of an existing business in the M-2 zoning district. (PLN2011-00180)

**Decision:** Approved with conditions

**Summary:** This case was on the consent agenda and not discussed on an individual basis.

**Motion:** It was moved by Board member Labadie, seconded by Board member Jones to approve case BA11-037 with the following conditions:

- 1. Compliance with the site and landscape plans submitted except as modified by the conditions below.*
- 2. Provision of a minimum fifty-five (55), five (5) gallon drought tolerant shrubs within the 1<sup>st</sup> Avenue right-of-way in lieu of trees.*
- 3. Provide an additional one (1), nine-foot by eighteen-foot (9'x18') parking space in a location to be reviewed and approved by staff during the building permit review process.*
- 4. Compliance with all requirements of the Development and Sustainability Department with regard to the issuance of building permits.*

**Vote:** Passed 6-0

**Findings:**

- 1.1** The Substantial Conformance Improvement Permit allows the expansion of office uses within an existing commercial/warehouse building. The property is zoned M-2 that allows for such use and is surrounded on the south and west by an open automobile salvage yard.
- 1.2** An increase in office floor area required the addition of one additional on-site parking space that was accommodated within the storage yard with minimal impact to site operations.
- 1.3** The applicant's site plan, including the conditions of approval, provided substantial conformance with current development standards and demonstrated site improvements that benefit the property owner and surrounding neighborhood. The degree of improvements to the site plan was roughly proportional to the degree of change in the use of the building.

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**Board of Adjustment Meeting  
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**Case No.:** BA11-038

**Location:** 3405 North Higley Road

**Subject:** Requesting an interpretation of the zoning ordinance to classify an RV area as an accessory use in association with a Comprehensive Youth Residence. (PLN2011-00108)

**Decision:** Approved with conditions

**Summary:** This case was on the consent agenda and not discussed on an individual basis.

**Motion:** It was moved by Board member Labadie, seconded by Board member Jones to approve case BA11-038 with the following conditions:

1. *The RV utility connections may only be used for mobile RVs such as camper shells, tent trailers, motor homes or travel trailers, and not for Park Models.*
2. *The use by an individual or family of any one of the 12 utility connections to park and reside in a recreational vehicle is limited to a maximum of 6-months of any 12-month calendar year (January to December).*

**Vote:** Passed 6-0)

**Findings:**

- 1.1 Sunshine Acres is an existing Comprehensive Youth Residence (CYR), located just south of Loop 202, on the east side of Higley Road. It is an approximately 38-acre facility that contains multiple homes for children and staff, offices, recreation facilities, a warehouse and a retail store. There are also 10 existing RV utility connections (hookups) that are being replaced as a part of an expansion of the donation warehouse and retail facilities.
- 1.2 The RV utility connections were not explicitly mentioned as an accessory use, the presence of the existing RV connections helps to facilitate the operation and maintenance of the CYR by providing a location for temporary housing for out-of-area volunteers. Provision of this land use (temporary RV hookups) is consistent with the intent of the accessory use criteria because these hookups facilitate the volunteer activity, which furthers the operation of the Sunshine Acres CYR.
- 1.2 The area devoted to this RV activity is less than 2% of the total land area for the 38 acre parcel.

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**Board of Adjustment Meeting  
August 9, 2011**

**Case No.:** BA11-039

**Location:** 1666 South Dobson Road

**Subject:** Requesting a modification of a Special Use Permit for a Comprehensive Sign Plan in the C-2 zoning district. (PLN2011-00172)

**Decision:** Approved with conditions

**Summary:** This case was on the consent agenda and not discussed on an individual basis.

**Motion:** It was moved by Board member Labadie, seconded by Board member Jones to approve case BA11-037 with the following conditions:

1. *Compliance with the site plan and sign elevations submitted.*
2. *Compliance with all requirements of the Development and Sustainability Department with regard to the issuance of building permits.*

**Vote:** Passed 6-0

**Findings:**

- 1.1 The approval is for the main identification sign for the Dobson Ranch Inn, previously a Best Western affiliate. The existing sign was 30-feet as measured from the adjacent street grade, and was the maximum permitted height when the sign was installed in 1978. The hotel is no longer a Best Western hotel and is required to remove their logos from the site. This also forced the applicant to modify the shape of the top cabinet to eliminate the Best Western design.
- 1.2 The only portion of the existing sign that is being modified is the top cabinet. That portion of the sign was approved in 1994 at 95 square-feet. The new cabinet that replaced the "Best Western" cabinet is 91 square-feet and is 2-feet, 6-inches shorter than the existing cabinet, lowering the overall height of the sign to 27-feet, 6-inches.
- 1.3 The primary sign is a lawful, nonconforming structure that is well maintained and has been in continuous use as the major identification sign for this hotel since its initial development in the late 1970's. The visibility of the site due to the off-ramp and 8-foot high screening reduce the visibility of the hotel development and the sign.
- 1.4 The modifications to the Comprehensive Sign Plan in conjunction with the conditions of approval ensured that signs are compatible with, and not detrimental to, surrounding properties.

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E. Other Business:

None

Respectfully submitted,

Gordon Sheffield, AICP  
Zoning Administrator

Minutes written by Mia Lozano, Planning Assistant

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